

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

CHRISTOPHER LOFTON,	§	
	§	
Petitioner,	§	
v.	§	CIVIL ACTION H-05-3090
	§	
DOUGLAS DRETKE,	§	
	§	
Respondent.	§	

MEMORANDUM ON DISMISSAL

The petitioner, a former jail inmate, filed this habeas petition *in forma pauperis* on September 1, 2005, during his confinement in the Harris County Jail. However, the petitioner was apparently released from Harris County Jail. A notice from the clerk was returned with the notation: "Return to Sender, Unclaimed." Petitioner has failed to keep the court advised of his current address, as required by Local Rule 83.4. The petitioner's failure to pursue this action forces this court to conclude that he is lacking in due diligence.

Therefore, under the inherent powers necessarily vested in a court, this court determines that dismissal for want of prosecution is appropriate. *See* Fed.R.Civ.P. 41(b); *Link v. Wabash R.R.*, 370 U.S. 626 (1962); *Pond v. Braniff Airways, Inc.*, 453

F.2d 347 (5th Cir. 1972); 5 J. Moore, *Federal Practice* Par. 41.11 (2d ed. 1968). The petitioner is advised, however, that upon a proper showing, relief from this order may be granted in accordance with Fed.R.Civ.P. 60(b). *See Link*, 370 U.S. at 635.

Accordingly, it is hereby ORDERED that this action be DISMISSED without prejudice for want of prosecution.

SIGNED at Houston, Texas, on this 16th day of September, 2005.



DAVID HITTNER
United States District Judge